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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 Stephen S Edwards,

10 Plaintiff,

11 v.

12 Robert Charles Riggs, et al.,

13 Defendants.
14

No. CV-19-01962-PHX-JAT

ORDER

15 On April 19, 2019, the Court issued the following Order:

16 Federal courts are courts of limited jurisdiction. As a result, they can
17 hear only those cases that the Constitution and Congress have authorized
18 them to adjudicate: namely, cases involving diversity of citizenship, a federal
19 question, or cases to which the United States is a party. *Kokkonen v.*
20 *Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The party asserting
jurisdiction bears the burden of proving a jurisdictional basis exists. *Id.* In
this case, because Plaintiff filed his suit in federal district court, he must show
that the federal court is authorized to hear the case.

21 Plaintiff alleges Federal question jurisdiction. (Doc. 1 at 2).
22 However, none of the actual claims in his complaint appear to be based on a
23 violation of a Federal statute.¹ Additionally, the Court notes that Plaintiff
24 cites several federal statutes in the caption of his complaint; but, reciting a
25 catalogue of federal rights is not sufficient to invoke the jurisdiction of this
Court. “To state a federal claim, it is not enough to invoke a constitutional
provision or to come up with a catalogue of federal statutes allegedly
implicated. Rather, as the Supreme Court has repeatedly admonished, it is
necessary to state a claim that is substantial....” *Noatak v. Hoffman*, 896
F.2d 1157, 1166 (9th Cir. 1990) (Kozinski, J. dissenting) (majority opinion
rev’d 501 U.S. 775 (1991));

26 Moreover, it does not appear the statutes listed would create a basis

27 ¹ The Court notes that in their answer, certain Defendants denied that this Court has federal
28 question jurisdiction. (Doc. 12 at 1). For unknown reasons, Defendants did not move to
dismiss the complaint on this basis. However, the Court (or any party) may raise
jurisdiction at any point in the case. *See Belleville Catering Co. v. Champaign Market*
Place, L.L.C., 350 F.3d 691, 693 (7th Cir. 2003).

1 for jurisdiction. For example, “The Court also notes that 42 U.S.C. § 3631
2 is a criminal statute, and does not afford Defendant a private right of action.”
3 *Retreat LLC v. Chisolm*, No. 1:18-CV-02319-AT-AJB, 2018 WL 3080085,
4 at *4 (N.D. Ga. May 23, 2018), *report and recommendation adopted*, No.
5 1:18-CV-2319-AT, 2018 WL 3067843 (N.D. Ga. June 20, 2018). By way of
6 further example, 42 U.S.C. § 249 deals with quarantine provisions of United
7 States immigrations laws.

8 Based on the foregoing,

9 **IT IS ORDERED** that by April 29, 2019, Plaintiff shall file a
10 supplement to his complaint explaining exactly which count(s) in his
11 complaint is based on a federal statute (or constitutional provision) including
12 a citation to the statute.

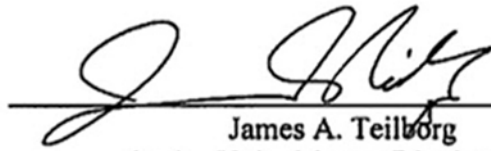
13 (Doc. 14) (footnote in original).

14 Plaintiff did not respond to this Order, and accordingly, has not shown a basis for
15 federal subject matter jurisdiction. Plaintiff did move for appointment of counsel, but the
16 Court lacks authority to appoint counsel in a case over which the Court lacks jurisdiction.
17 Moreover, assuming the Court had jurisdiction to consider this request, the Court does not
18 find either factor regarding appointment of counsel to favor appointment of counsel in this
19 case. *Weygant v. Look*, 718 F.2d 952, 954 (9th Cir. 1983) (To determine whether
20 exceptional circumstances exist that would justify the appointment of counsel, the Court
21 evaluates Plaintiff’s “likelihood of success on the merits [and] the ability of the [plaintiff]
22 to articulate his or her claim *pro se* in light of the complexity of the legal issues
23 involved.”).

24 As a result of Plaintiff having failed to establish that this Court has subject matter
25 jurisdiction over this case, this case will be dismissed, without prejudice. Therefore,

26 **IT IS ORDERED** that this case is dismissed, without prejudice, for lack of subject
27 matter jurisdiction and the Clerk of the Court shall enter judgment accordingly. All
28 pending motions (Docs. 17, 21, 23, 25, and 26) are denied as moot (Doc. 17 is also,
alternatively, denied on the merits).

Dated this 6th day of May, 2019.


James A. Teilborg
Senior United States District Judge